

**JOINT/SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1924**

**The Indian Penal Code Amendment
Bill**

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1924.

No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Central Board of Revenue Bill.	18.2.24.	
2.	The Indian Coinage Bill.	18.2.24.	
3.	The Indian Penal Code('Amendment') Bill.	19.2.24.	
4.	The Indian Tariff('Amendment') Bill.	26.2.24.	
5.	The Indian Income-tax('Amendment') Bill.	10.3.24.	
6.	The Indian Penal Code('Amendment') Bill(<u>Age of Consent</u>) by Dr. Hari Singh Gour.	15.3.24.	
7.	The Steel Industry(Protection) Bill.	30.5.24.	
8.	The Imperial Bank of India Bill.	8.9.24.	
9.	The Indian Criminal Law('Amendment') Bill.	10.9.24.	
10.	The Indian Merchant Shipping('Amendment') Bill.	11.9.24.	
11.	The Land Customs Bill.	11.9.24.	

NOTE OF DISSENT.

While I fully agree with my colleagues that the raising of the age from 16 to 18 in sections 372 and 373 is necessary, I regret I am unable to accept their view that it is not necessary to raise the age limit punishable by section 363. Section 361 defines the offence of kidnapping while section 363 prescribes a punishment for certain cases of kidnapping. The age limit is, of course, prescribed by them in the interests of the minor, the view of the law being that a girl below 16 and a boy under 14 are not possessed of sufficient maturity of understanding to judge for themselves the nature and consequence of their act. It is for this reason that we find in section 361 such persons classed with a person of unsound mind. The view of the law is that the deficiency in the intelligence of such persons is supplemented by that supplied by the lawful guardian, without whose consent they are not free to be removed from British India or their lawful guardianship.

2. The Penal Code was enacted in 1860 and the Indian Majority Act was passed several years later. This latter Act for the first time established the completion of the 18th year as the age when a person of both sexes is presumed to acquire sufficient degree of intelligence to be able to act unassisted by the guardian. In this view I think it is necessary to raise the age in the case of both boys and girls to 18, in which case section 361 would read thus :—

“ Whoever takes or entices any minor under 18 years of age or any person of unsound mind, etc.”

I would meet my Honourable colleagues' objection to a case of intended marriage by prescribing a shorter sentence, but I do not think it is safe to assume that a girl under 16 should be left to judge of the consequence of her act. In England and even in India in certain cases age extends up to the 21st year. It is essential in the interests of minors that they should not be exposed to the corrupt influence of strangers without adequate safeguards, and I think it is the duty of the State as *patriae puerus* to protect minor children from such danger.

(Sd.) H. S. GOUR, — 17-2-1924.

I concur with Dr. H. S. Gour's note of dissent.

E. G. FLEMING.

BILL

Further to amend the Indian Penal Code for certain purposes.

WHEREAS it is expedient further to amend the Indian Penal Code for certain purposes hereinafter XLV of 1860 appearing ; It is hereby enacted as follows :—

1. (1) This Act may be called the Indian Short title and commencement. Penal Code (Amendment) Act, 192 .

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. In sections 372 and 373 of the Indian Amendment of sections 372 and 373, Act XLV of 1860. Penal Code, for the word "sixteen" the word "eighteen" shall be substituted.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT

Report of the Select Committee on the
further to amend the Indian P
Code for certain purposes.

(*Bill as amended.*)